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CLERK US DISTRICT COURT
DISTRICT OF ARIZONA

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CR19-00984 TUC-JAS(LCK)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Mark Vincent Baker,
Counts 1, 2, 3;

Donna Jaskolski,
Counts 1, 2, 4;

Defendants.

INDICTMENT

Violations:

18 U.S.C. § 371
(Conspiracy)
Count 1

18 U.S.C. §§ 2510(2), 2511(1)(a) & (4)(a)
(Interception of Communications)
Counts 1, 2

18 U.S.C. § 1001(a)(2)
(False Statements)
Counts 3, 4

THE GRAND JURY CHARGES:

COUNT 1

From on or about October 5, 2017, to on or about October 18, 2017, at or near Sierra Vista and Fort Huachuca, in the District of Arizona, the defendants, MARK VINCENT BAKER and DONNA JASKOLSKI, did knowingly and intentionally combine, conspire, confederate, and agree together and with persons known and unknown to the grand jury, to commit offenses against the United States, that is: the intentional interception of an oral communication, as defined in Title 18, United States Code, Section 2510(2); in violation of Title 18, United States Code, Sections 2511(1)(a) and (4)(a).

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1 who were participants, referenced, or otherwise involved in the recorded oral
2 communications made within the Government Action Officer's office.

3 **Overt Acts**

4 In furtherance of the conspiracy, one or more of the co-conspirators committed,
5 or caused to be committed, the overt acts described below:

6 On October 5, 2017, Mark Vincent Baker purchased a digital recording device
7 through the internet.

8 On several occasions between October 8, 2017, and October 13, 2017, Mark
9 Vincent Baker and/or Donna Jaskolski used, accessed, and/or tested the digital recording
10 device.

11 On October 12, 2017, Mark Vincent Baker conducted a test of the digital
12 recording device by using it to record oral communications between himself and other
13 individuals. Mark Vincent Baker and Donna Jaskolski then discussed the digital recording
14 device and the purchase of a second digital recording device. On the same date, Mark
15 Vincent Baker purchased a second digital recording device from a retailer.

16 On October 16, 2017, Mark Vincent Baker entered the Multi-Function Lab in
17 the Joint Interoperability Test Command compound on Fort Huachuca at approximately
18 4:53 a.m. and disarmed the alarm for the building. Mark Vincent Baker then surreptitiously
19 placed the digital recording device in or near the Government Action Officer's office and
20 turned on the device to record. At approximately 5:16 p.m. on the same date, Mark Vincent
21 Baker again entered the building and disarmed the alarm. Mark Vincent Baker
22 immediately retrieved the digital recording device, armed the alarm, and exited the
23 building. On this date during the time period set forth above, Mark Vincent Baker and
24 Donna Jaskolski communicated through their cellular telephones. Later that date, at
25 approximately 5:38 p.m., Mark Vincent Baker and Donna Jaskolski copied the digital audio
26 file created on the digital recording device onto their desktop computer in their home.

27 On October 18, 2017, Mark Vincent Baker and Donna Jaskolski accessed the
28 digital audio file and copied its contents into smaller files. Mark Vincent Baker and Donna

1 Jaskolski subsequently copied portions of the audio file onto compact discs, and sent
2 several compact discs containing the audio files to other individuals who were either
3 participants, referred, or otherwise involved in the oral communications recorded in the
4 files.

5 All in violation of 18 U.S.C. Section 371.

6 **COUNT 2**

7 On or about October 16, 2017, at or near Fort Huachuca, in the District of Arizona,
8 MARK VINCENT BAKER intentionally intercepted and endeavored to intercept, and
9 DONNA JASKOLSKI procured another person to intercept and endeavor to intercept, an
10 oral communication as defined in Title 18, United States Code, Section 2510(2), to wit:
11 oral conversations between individuals within the Government Action Officer's office in
12 the Multi-Function Lab in the Joint Interoperability Test Command compound on Fort
13 Huachuca; in violation of Title 18, United States Code, Sections 2511(1)(a) and (4)(a).

14 **COUNT 3**

15 On or about December 20, 2017, at or near Sierra Vista, in the District of Arizona,
16 MARK VINCENT BAKER knowingly and willfully made any materially false, fictitious,
17 and fraudulent statement and misrepresentation in any matter within the jurisdiction of the
18 Government of the United States; to wit, in the course of an investigation by the United
19 States Department of Justice, Federal Bureau of Investigations, MARK VINCENT
20 BAKER stated to law enforcement agents that Donna Jaskolski did not have knowledge of
21 and was not involved with the digital audio recording created by MARK VINCENT
22 BAKER on October 16, 2017; when in fact MARK VINCENT BAKER had discussed the
23 recording with Donna Jaskolski both before and after its creation, and MARK VINCENT
24 BAKER knew that Donna Jaskolski had knowledge of and involvement with the recording
25 when he made the false statement; in violation of Title 18, United States Code, Section
26 1001(a)(2).

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28 ///

1 COUNT 4

2 On or about December 20, 2017, at or near Sierra Vista, in the District of Arizona,
3 DONNA JASKOLSKI knowingly and willfully made any materially false, fictitious, and
4 fraudulent statement and misrepresentation in any matter within the jurisdiction of the
5 Government of the United States; to wit, in the course of an investigation by the United
6 States Department of Justice, Federal Bureau of Investigations, DONNA JASKOLSKI
7 stated to law enforcement agents that she was not involved with the digital audio recording
8 created by Mark Vincent Baker on October 16, 2017, did not know what device Mark
9 Vincent Baker used to create the recording, and was upset upon learning about the
10 recording after it was created; when in fact DONNA JASKOLSKI and Mark Vincent Baker
11 had discussed the recording both before and after its creation, DONNA JASKOLSKI had
12 knowledge of the digital recording device Mark Vincent Baker used to create the recording,
13 and DONNA JASKOLSKI approved of the recording and was involved in its planning; in
14 violation of Title 18, United States Code, Section 1001(a)(2).

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16 A TRUE BILL

17 / s /

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Presiding Juror

19 ELIZABETH A. STRANGE
20 First Assistant United States Attorney
District of Arizona

21 / s /

REDACTED FOR
PUBLIC DISCLOSURE

22 Assistant United States Attorney

23 Dated: April 10, 2019
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